

## **REGULAR MEETING OF JANUARY 12, 2009**

The meeting was called to order by Chairman Peter Kortright at 7:40 P.M.

The notice of the Open Public Meetings Law was read.

### **Roll Call**

Present: Deputy Mayor Lisa Swain, Chairman Peter Kortright, III, Barry Winston, Todd Malkin, Honey Morgenstern, Larry Metzger, Phillip Cassidy, Joseph Baladi, Baruch Gadot, Scott Osback Absent: Joseph D'Arco.

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, Board Secretary Cathy Hochkeppel.

### **Approval of Minutes**

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain the work session minutes were unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain, the work session minutes of December 8, 2008 were unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain, the regular meeting minutes of December December 8, 2008, were unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

### **Memorializing Resolution**

#### **Amor Dance Studio, 7-05 Fair Lawn Avenue, Block 5718, Lot 8 – minor site plan**

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain, the memorializing resolution was unanimously adopted. AYES: Chairman Peter Kortright, III, Todd Malkin, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Honey Morgenstern.

## **General Public Comment**

Don Smartt of the Broadway Improvement Corporation indicated the Broadway Master Plan is complete, will be delivered to the Council shortly and will be referred to this Board as was the Route 208 corridor study. The \$85,000 study was privately funded and creates a vision for Broadway for Fair Lawn and Elmwood Park.

Chairman Kortright announced that the application of Bris Avrohom was being carried to the February 9, 2009 meeting at the request of the applicant.

### **Shrestha, 16-37 River Road, Block 5616, Lot 13, sign variance**

Ronald Mondello appeared on behalf of the applicant. He explained that the applicant needs a variance for the free standing 15 square feet sign where 8 feet is maximum and a setback of 5 feet where 12 is required. The lettering on the awning sign exceeds one third of the length of the awning flap but the letters do not exceed 8 inches.

Guiseppe DeBellis, was sworn in and stated that he designed the signs. He explained the signs in detail. He explained that the sizes of the letters on the awning will be eight inches. He testified that the sign is not in the site triangle. Peter Kortright stated that it should be placed within the flower bed, outside the right-of-way. There was some discussion relative to the inconsistencies in the drawings and concern regarding the site triangle. Barry Winston asked if the drawing accurately reflects the color and was told yes. Joseph Baladi stated that he does not believe the sign is in the site distance triangle and felt it was unnecessary to require an engineer's calculations. Deputy Mayor Lisa Swain wondered whether the awning was a necessary sign as it is a residential area. Mr. Mondello stated that some of the feedback was that it was decorative and added to the ambience of the building. Todd Malkin pointed out that it is important that there is accurate information on file and that Board members have a responsibility to the public. Larry Metzger agreed with Todd. Honey Morgenstern asked about the current signs and was told that the current signs will be eliminated. Mr. Mondello stated that the sign would be lit from dusk to dawn. Honey Morgenstern stated that she is concerned with awning. It was suggested that the address and phone number be removed from the awning. It was noted that this is not a retractable awning so a variance is required.

Chairman Peter Kortright opened the matter to the public.

Don Smartt asked about the size of the free standing sign and was told it was 3x5.

Ray Shrestha was sworn in and stated that he is the owner of the beauty salon and the owner of the property. His business hours are 9:00 A.M. to 6:30 every day. He agreed to turn off the sign at 10:00 P.M. Deputy Mayor Lisa Swain stated that the awning is superfluous. The awning does not fit in with the neighborhood.

Mr. Mondello stated his client would like to install the awning but was willing to eliminate the address.

Don Smartt encouraged the applicant to continue the investment in the landscaping as it gives it a residential feel.

Maurice Michaels, 7-16 Richard Street, stated he lived two doors away and has been a resident for over 40 years. He stated that he felt the Board should not make too many restrictions in these recessive times. He didn't think the awning would cause any disruption to the neighborhood. These are nice people who are trying to make a living in tough times. He suggested that the application be granted as presented by the applicant.

Don Smartt, stated there is a balancing act as the dynamic of River Road which is a business district and Richard Street which is residential. He and the design review committee reviewed this application. They focused on the signage of the building. He state that one of the least costly advertisements is signage during the evening. Mr. Smartt indicated that they prefer a cream or eggshell lettering rather than stark white. He emphasized the need to maintain the landscaping which is key to softening up the asphalt look of the property.

Maurice Michaels, 7-16 Richard Street, stated that if Shoprite has its sign 24 hours, the applicant be allowed as well.

Larry Metzger stated that if the beauty salon had a smaller overhang it would give the house and business a much finer look to it. Ron Mondello stated that applicant is seeking a C(2) variance. The applicant is coordinating the sign design to promote a desirable visual impact. The benefits outweigh any detriment.

Chairman Peter Kortright, III, stated that if the awning will be less than 1/3 of building, a variance is eliminated. With regard to the location of the free-standing sign, more information is needed.

Todd Malkin moved that the amended application be approved, granting the variances requested, the illuminated sign to be turned off at 10:00 P.M. and site lines to be reviewed by the Board Engineer. Deputy Mayor Lisa Swain seconded the motion. Barry Winston

noted that public comments are appreciated. It is the Board's obligation to make sure there is a balance and to protect the interest of the community. Chairman Kortright added that the Board does have an understanding of businesses in the area and it is a good compromise. Honey Morgenstern noted that she would like to keep the residential feel of Richard Street. AYES: Chairman Peter Kortright, III, Todd Malkin, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

Chairman Peter Kortright, III, announced that the application for 59 and 65 Lincoln Avenue will be carried to the February 9, 2009 meeting.

**Dabrowski, 4-17 Banta Place, Block 3409, Lot 20**

Steven Carozza, 62 Newark Pompton Turnpike, Riverdale, New Jersey, qualified as an expert architect. He explained that the property is in an I-2 industrial zone. The building is from the 1950's. It is a single story building with a warehouse. The front of the building is a little lower with a front façade of brick that needs a great deal of work. The company purchasing the building is a stucco company. A portion of the expansion is to accommodate his office. The current office area is tiny and not well thought out. There needs to be repairs to the roof. The applicant intends on raising the building and putting a larger door in place. The intention is to expand the office area and create two private offices. He explained the tandem vehicle storage in the building as well as 3 parking spaces in front of the building. They plan on eliminating one of the spaces and provide 4 additional spaces in the interior. A variance would be required for parking. He explained that because of the increased office area, the applicant needs 10 parking spaces and 6 are being provided. He said it will be an improvement and the proposed façade will beautify the area. Trucks will be able to unload easier. Mr. Carozza testified because of the nature of the business, it will not increase the parking demand. He explained that it will be an owner/occupied building. He will be the sole tenant. Mr. Carozza testified that this will be an overall improvement and there will be no detriment to public safety and general welfare.

Todd Malkin asked about parking stops and the applicant agreed they would be installed. He asked about mixing on site and hazardous materials.

Dariusz Dabrowski, owner, was sworn in and testified that they would not mix on the premises but would only store materials on the premises. There are no hazardous materials stored on the premises. Barry Winston asked about the trucks and was told they were van trucks. Deputy Mayor Lisa Swain asked about the cars and parking and it was explained in detail.

Kevin Tichacek asked about the height of the letters and Mr. Carozza explained that the sign would be in compliance so that no variance was necessary. The applicant amended his application to include a five foot chain link fence. Vinyl slats to be inserted in the rear.

Chairman Kortright, III asked for public comments on this application and no public wished to be heard.

Todd Malkin moved that the application be approved granting the off-street parking variance and existing non-conforming variances installing a fence on rear yard property on three property lines, north, east and south to end of the front corner of the building and there will be slats in the rear. Barry Winston seconded the motion which was unanimously approved. AYES: Chairman Peter Kortright, III, Todd Malkin, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Scott Osback

### **Adjournment**

Upon motion by Barry Winston and a second by Todd Malkin, the meeting was unanimously adjourned at 9:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board

CH:mc